

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

George KATSAROS, et al.,	:	
Plaintiffs,	:	
	:	
v.	:	Civ. No. 3:00cv288 (PCD)
	:	
Ralph SERAFINO, et al.,	:	
Defendants.	:	

RULING ON DEFENDANT CITY OF STAMFORD’S MOTION TO DISMISS

Defendant City of Stamford moves to dismiss all of Plaintiffs’ claims. (Dkt. No. 31.) The motion is denied.

I. JURISDICTION

Plaintiffs sue under 42 U.S.C. § 1983. (Dkt. No. 14 ¶¶ 14-75.) This court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1343 and supplemental jurisdiction over state law claims pursuant to 28 U.S.C. § 1367(a).

II. BACKGROUND

A. Factual Background

The facts are taken as alleged in the amended complaint. (Dkt. No. 14.) Defendants Serafino and Gallup are constables of Defendant City of Stamford. (Id. ¶¶ 9-10.) Defendants Pennell and Moavero are special deputy sheriffs of the State of Connecticut. (Id. ¶¶ 11-12.) On February 15, 1997 at approximately 1:15 a.m., Gallup “pounded” on the door to Plaintiffs Chris and Vasiliki Handrinos’s home and demanded it be opened. (Id. ¶¶ 33-34.) Plaintiff Peter Handrinos opened the door, and Gallup falsely represented that he was a special deputy sheriff and that he had legal papers to serve. (Id. ¶¶ 7, 35.) He displayed his badge and entered without consent and presented Chris and

Vasiliki Handrinos, not with legal process, but with a letter from a minority shareholder of the Norwalk Inn purporting to terminate their employment at the Norwalk Inn and their right to enter the Norwalk Inn property. (Id. ¶¶ 37, 42.) Gallup did not leave until Chris Handrinos threatened to call the Norwalk police. (Id. ¶ 41.)

At approximately the same time, Serafino, Pennell, and Moavero entered the Norwalk Inn with automatic weapons and badges displayed. (Id. ¶ 47.) They informed the employees that they were special deputy sheriffs and that no one was permitted to leave or to make outgoing phone calls. (Id. ¶ 48.) At approximately 2:30 a.m., Chris Handrinos and George Katsaros (both of whom are directors and employees of the Norwalk Inn) and Vasiliki Handrinos (a stockholder and employee of the Norwalk Inn) and Elaine Katsaros (a stockholder of the Norwalk Inn) attempted to enter the Norwalk Inn but were denied entry and threatened with arrest. (Id. ¶¶ 3-6, 50.) Plaintiffs demanded that Serafino produce all documents which permitted Defendants' actions. (Id. ¶ 52.) Serafino refused to produce any documents. (Id.) It was not until 3 p.m. that day that, pursuant to a court order, Defendants were removed from the Norwalk Inn. (Id. ¶ 63.)

B. Procedural History

On February 11, 2000, Plaintiffs filed a complaint. (Dkt. No. 1.) On March 13, 2000, Plaintiffs served the City of Stamford. (Dkt. No. 9.) Plaintiffs subsequently filed an amended complaint. (Dkt. No. 14.) Serafino and Gallup have already moved to dismiss all of Plaintiffs' claims. (Dkt. No. 38.) Their motion was granted in part and denied in part in a ruling entered February 27, 2001. (Dkt. No. 50.) The City of Stamford now

moves to dismiss (Dkt. No. 31) on many of the same grounds and submits an accompanying memorandum of law (Dkt. No. 32). Plaintiffs submit a memorandum in opposition. (Dkt. No. 33.)

III. DISCUSSION

A. Scope of Plaintiffs' Claims against Defendant City of Stamford

The City of Stamford moves to dismiss Plaintiffs' claims as time barred by the statute of limitations and for failure to state a claim. (Dkt. No. 32.) Plaintiffs concede that they have not brought any state law claims against the City of Stamford. (Dkt. No. 33 at 2.) They assert their only claims against the City of Stamford are Monell claims of municipal liability pursuant to 42 U.S.C. § 1983. (Id.); see Monell v. Dep't of Soc. Servs., 436 U.S. 658 (1978); (Dkt. No. 14, Counts 25-30).

B. Dismissal of § 1983 Monell Claims Due to Statute of Limitations

The City of Stamford moves to dismiss (Dkt. No. 32 at 7) Plaintiffs' § 1983 claims as barred by the statute of limitations on the same grounds as Serafino and Gallup (Dkt. No. 39 at 11-14). For the same reasons noted in this court's ruling of February 27, 2001 (Dkt. No. 50), Plaintiffs' § 1983 claims are not time barred.

C. Dismissal of § 1983 Monell Claims for Failure to State a Claim

1. Standard of Review

The standard of review is the same as in this court's ruling of February 27, 2001. (Id.)

2. Discussion

Other than the statute of limitations, the City of Stamford makes no direct attack

on Plaintiffs' § 1983 Monell claims (Dkt. No. 14, Counts 25-30) except to argue that they "do not allege any specific constitutional wrongs, except as re-alleged from paragraphs 1-70 of the first count, and, in particular, paragraphs 65-66." (Dkt. No. 32 at 2.) As discussed in this court's ruling of February 27, 2001 (Dkt. No. 50), Plaintiffs sufficiently allege constitutional violations against them by Serafino and Gallup. This in combination with Plaintiffs' allegations of inadequate training, municipal custom, and status as final decision-makers is sufficient for their § 1983 Monell claims to survive at this stage of litigation. See City of Canton v. Harris, 489 U.S. 378, 380 (1989); Heflin v. Stewart County, 958 F.2d 709, 716-17 (6th Cir. 1992); Batista v. Rodriguez, 702 F.2d 393, 397 (2d Cir. 1983).

IV. CONCLUSION

The City of Stamford's motion to dismiss (Dkt. No. 31) is **denied**.

SO ORDERED.

Dated at New Haven, Connecticut, February __, 2001.

Peter C. Dorsey
Senior United States District Judge